

**ZB# 05-07-B**

**Quality Homes  
(Wyllys Ct.)**

**57-1-2.3**

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
*Granted 3-14-05*

**ZBA #05-07B**  
QUALITY HOMES (LOT 3)  
WYLLYS CT. (INTERPRETATION) 57-1-2.3



# **Town of New Windsor**

**555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689**

## **OFFICE OF THE ZONING BOARD OF APPEALS**

July 1, 2005

Quality Homes  
P.O. Box 150  
Washingtonville, NY 10992

**SUBJECT: REQUEST FOR VARIANCE #05-07B**

Dear Sir:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

---

**Myra Mason, Secretary to the  
NEW WINDSOR ZONING BOARD**

MLM:mlm

cc: Michael Babcock, Building Inspector

**NEW WINDSOR ZONING BOARD OF APPEALS**

SBL: 57-1-2.3

In the Matter of the Application of

**QUALITY HOMES**

**MEMORANDUM OF  
DECISION GRANTING**

**INTERPRETATION**

**CASE #05-07B**

**WHEREAS, Rick Tedaldi and Mr. & Mrs. Reynolds**, owner(s) of 10 Wyllys Court, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for Interpretation and/or variance for proposed single-family dwelling with two kitchens (300-8 bulk tables) in an R-1 Zone at 10 Wyllys Court (Lot #3) (57-1-2.3)

**WHEREAS**, a public hearing was held on March 14, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared on behalf of this Application; and

**WHEREAS**, there were one spectators appearing at the public hearing; and

**WHEREAS**, one spoke in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Times Herald Record, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The applicants propose to house two kitchens in a large single-family house, a portion of which will be used by the applicant's father and/or mother.
  - (b) The house is a single-family house which contains no divisions or partitions and contains no separate dwelling unit.
  - (c) The entire house is serviced by one utility meter and a single heating system.



(d) The applicant acknowledges that this is a one-family house and it will remain a one-family house.

(e) The applicant will, when the house is sold, list it as a single-family residence and sell it only for that purpose.

**WHEREAS**, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).
9. This property is a single-family residence.
10. The applicant has living with him a member of his family which, under the Town of New Windsor Zoning Code falls within the definition of single-family
11. The fact that this premises contains two kitchens does not make it a two-family residence. Notwithstanding the existence of two kitchens, the house is a single-family residence and its status as such has not changed.

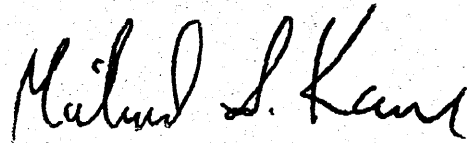
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for Interpretation and/or variance for proposed single-family dwelling with two kitchens (300-8 bulk tables) in an R-1 Zone at 10 Wyllys Court (Lot #3) (57-1-2.3) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: March 14, 2005

A handwritten signature in black ink, reading "Michael S. Kane". The signature is written in a cursive style with a large, stylized 'M' and 'K'.

---

Chairman

**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

**DATE: October 18, 2004**

**APPLICANT: Quality Homes of Brigadoon Inc.  
PO Box 150  
Washingtonville, NY 10992**

**COPY**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: August 18, 2003**

**FOR : Quality Homes of Brigadoon Inc.**

**LOCATED AT: 10 Wyllys Ct Lot#3**

**ZONE: R-1 Sec/Blk/ Lot: 57-1-2.3**

**DESCRIPTION OF EXISTING SITE: Single Family Building Lot**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS: 300-8 Use/bulk table R-1 zone.**

**1. Two family dwellings are not a permitted use in the R-1 zone. A use variance is required of  
interpretation as to the classification of the building as a single or two family dwelling.**

*Louis J. Kumbor*  
BUILDING INSPECTOR

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-1      USE: Single Family

Two Family

Two Family

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

STATION ROAD  
LOT # 3  
# 7

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be re-inspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection taken.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

RECEIVED

ALL 12 2007

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:

Building Permit #: \_\_\_\_\_

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises QUALITY HOMES OF BRIGADOON, INC.

Address LOT #3 WYLLY'S COURT (PRIVATE ROAD) Phone # 845-928-9087

Mailing Address P.O. BOX 150, WASHINGTONVILLE, NY 10992 Fax # SAME/CALL 1ST

Name of Architect N/A

Address N/A Phone N/A

Name of Contractor QUALITY HOMES OF BRIGADOON, INC.

Address P.O. BOX 150 WASHINGTONVILLE NY 10992

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER & BUILDER

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer) RICK L TEDALVI, PRES.

1. On what street is property located? On the SOUTH SIDE side of WYLLYS COURT  
(N/E or W)  
and 279 feet from the intersection of WYLLYS CT. & STATION ROAD
2. Zone or use district in which premises are situated R-1 Is property a flood zone? Y N X
3. Tax Map Description: Section 57 Block 1 Lot 2.3
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy VACANT LAND b. Intended use and occupancy RESIDENTIAL
5. Nature of work (check if applicable) ☒ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other
6. Is this a corner lot? NO 48X30 MAIN HOUSE + 26X24 GARAGE
7. Dimensions of entire new construction. Front 74 Rear 74 Depth 30 Height      No. of stories 2
8. If dwelling, number of dwelling units: 1 Number of dwelling units on each floor
- Number of bedrooms 4 Baths 3 Toilets 3 Heating Plant: Gas      Oil       
Electric/Hot Air      Hot Water      If Garage, number of cars 3
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use N/A
10. Estimated cost \$200,000 Fee \$50-

CA# 2328

**PAID**

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK

date

**APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK**  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Lisi & Louis Kryzhan  
New Windsor Town Hall  
655 Union Avenue  
New Windsor, New York 12553  
(845) 563-4818  
(845) 563-4055 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

**INSTRUCTIONS**

- X A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- X B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- X C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, place or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

(Address of Applicant)

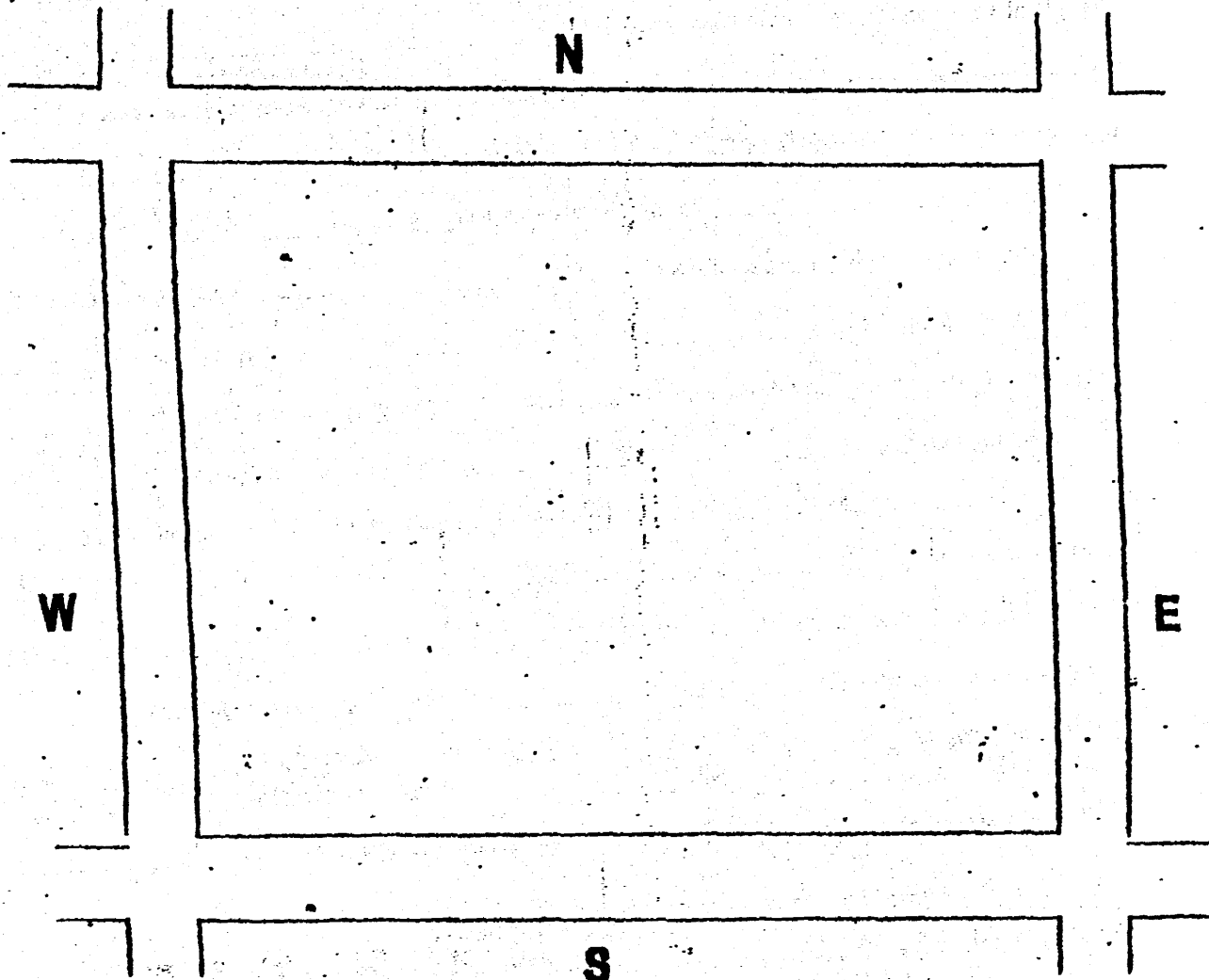
(Owner's Signature)

(Owner's Address)

**PLOT PLAN**

115

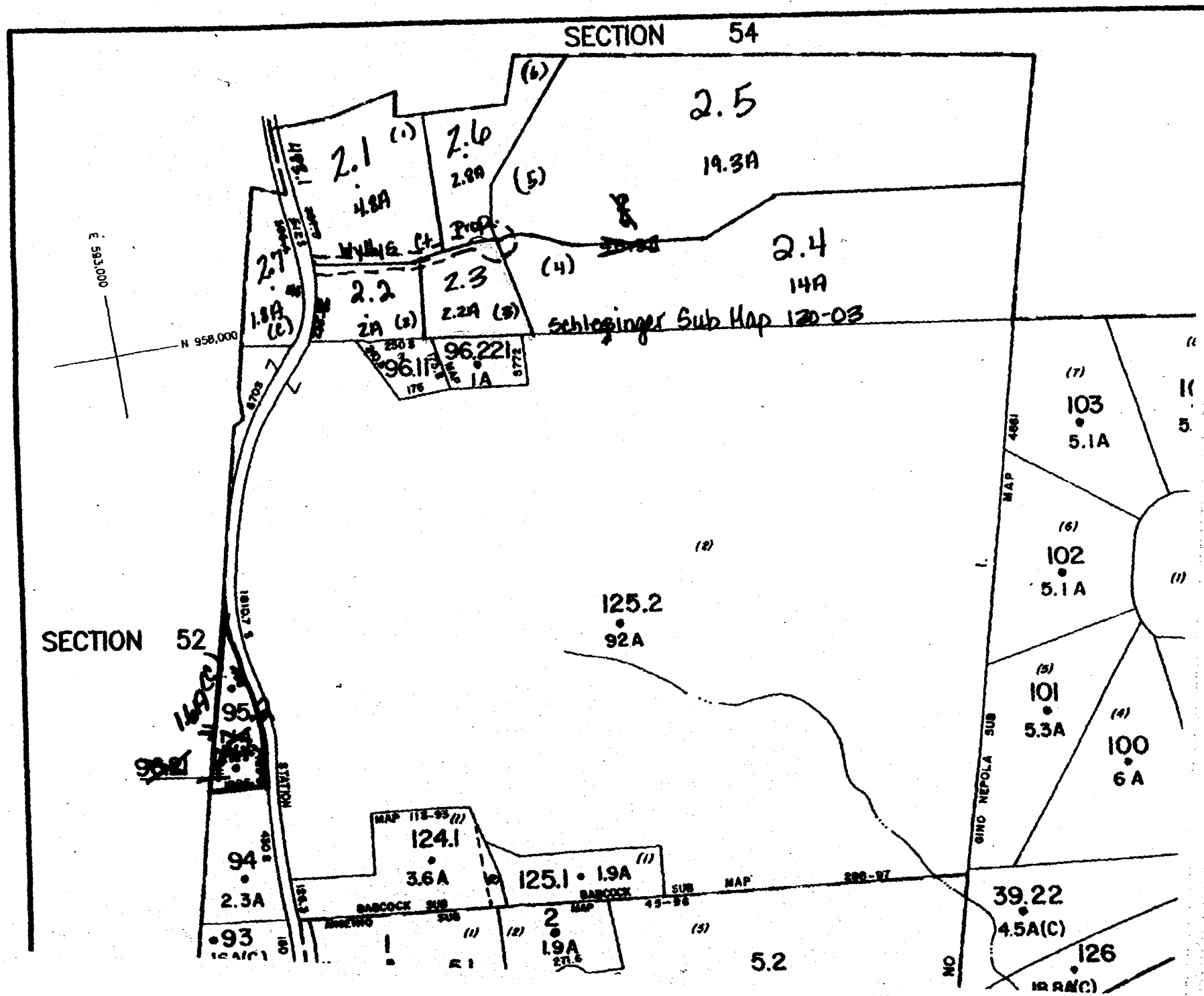
Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

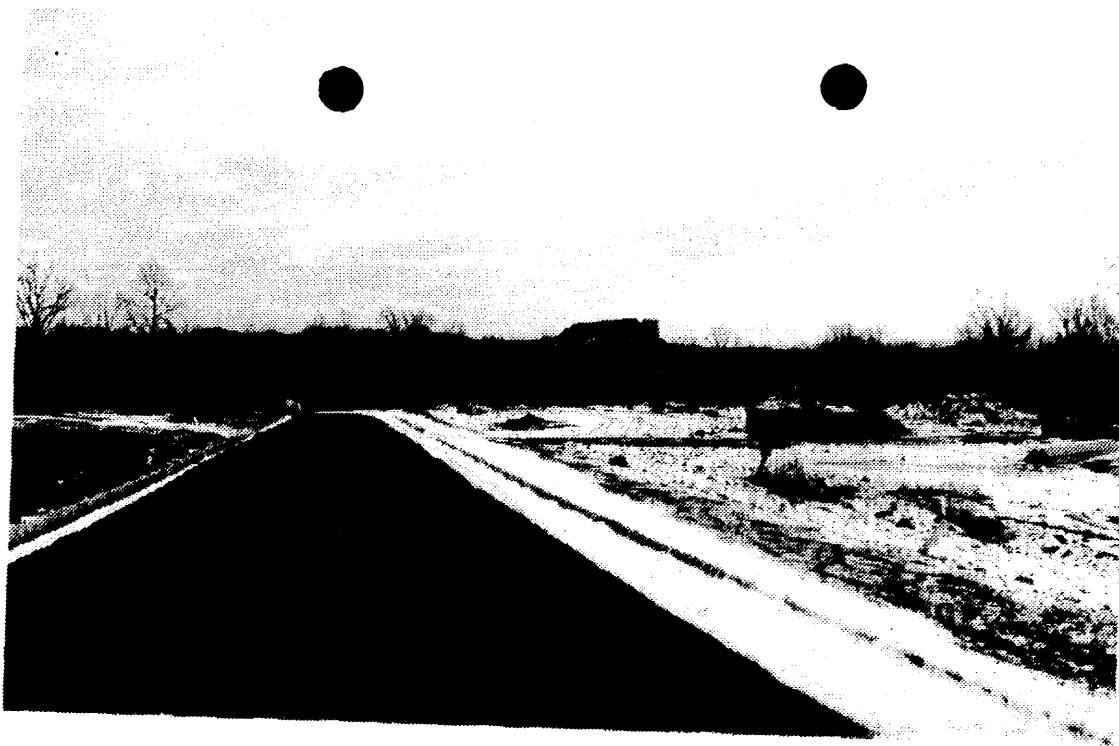


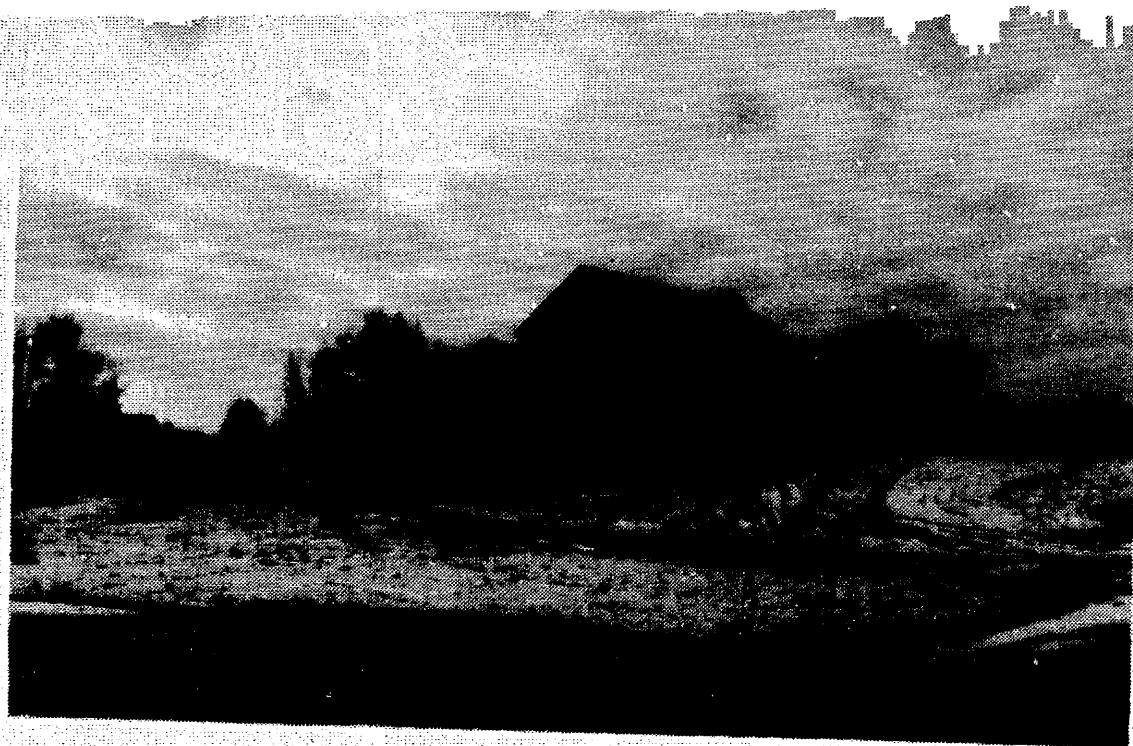
STATION K&W  
LOT # 3  
# 7

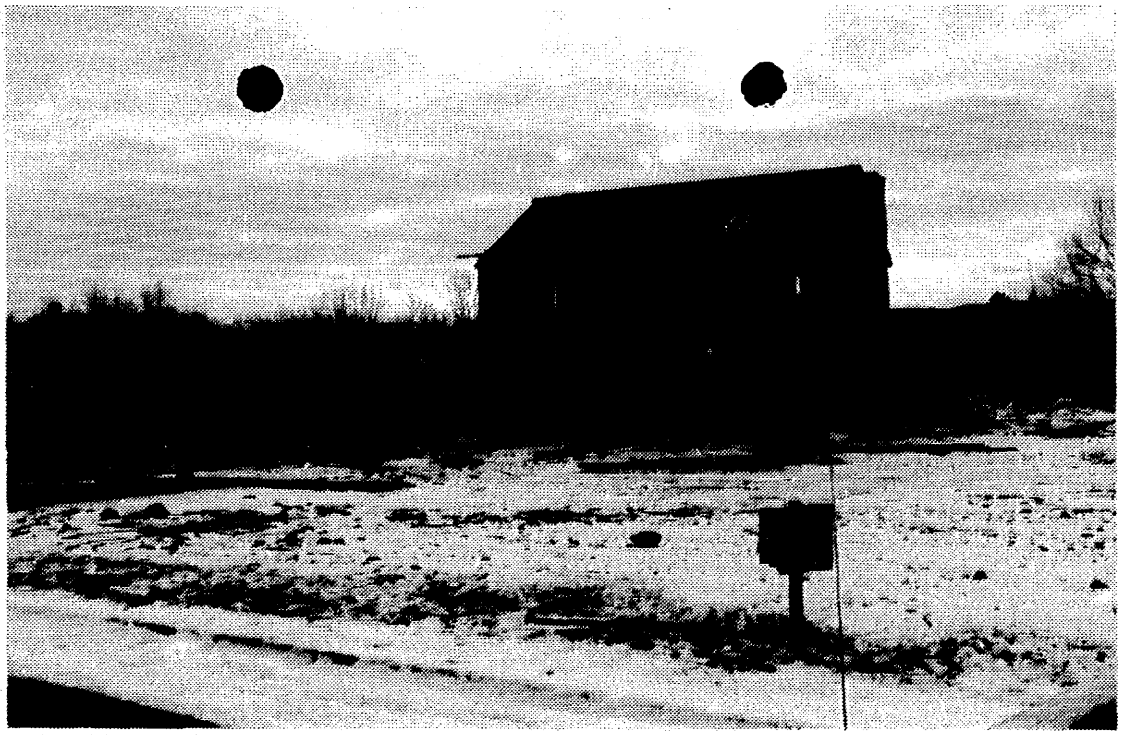
PLEASE ALLOW TIME TO THEM HAVE TO PROCEED  
URGENT  
YOU WILL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION











**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: LARRY REIS, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: MARCH 29, 2005**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 104.22 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #05-07B**

**NAME & ADDRESS:**

**Quality Homes  
P.O. Box 150  
Washingtonville, NY 10992**

**THANK YOU,**

**MYRA**

**L.R.03-29-2005**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #05-08      TYPE: INTERP. AND/OR VARIANCE

APPLICANT Name & Address:

**Quality Homes  
P.O. Box 150  
Washingtonville, NY 10992**

TELEPHONE:      534-5500

RESIDENTIAL:	\$ 50.00	CHECK # <u>1107</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:      RESIDENTIAL \$300.00      CHECK # 1106

~~~~~

| <u>DISBURSEMENTS:</u>        |                 | <u>MINUTES</u><br><u>\$5.50 / PAGE</u> | <u>ATTORNEY</u><br><u>FEE</u> |
|------------------------------|-----------------|----------------------------------------|-------------------------------|
| PRELIMINARY:                 | <u>5</u> PAGES  | \$ <u>27.50</u>                        | \$ <u>35.00</u>               |
| 2 <sup>ND</sup> PRELIMINARY: | ____ PAGES      | \$ _____                               | \$ _____                      |
| PUBLIC HEARING:              | <u>10</u> PAGES | \$ <u>55.00</u>                        | \$ <u>35.00</u>               |
| PUBLIC HEARING:              | ____ PAGES      | \$ _____                               | \$ _____                      |

LEGAL AD: Publish Date: 02/22/05      \$ 43.28

TOTAL:      \$ 125.78      \$ 70.00

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ESCROW POSTED:      \$ 300.00  
LESS: DISBURSEMENTS:      \$ 195.78

AMOUNT DUE:      \$ \_\_\_\_\_

REFUND DUE:      \$ 104.22

Cc:

QUALITY HOMES (05-07)

Mr. Rich Tedaldi and Mrs. and Mrs. Reynolds appeared before the board for this proposal.

MR. KANE: Request for interpretation and/or variance for proposed single-family dwelling with two kitchens in an R-1 zone at 10 Wyllys Court. Same as the preliminary, tell us what you want to do.

MR. TEDALDI: I've got the Reynolds here building a house for them, they have five kids and the parents want to live with them as well or they're going to live with them, it's quite a bit, so they obviously want to have like a second kitchen in the house for the parents to take the burden off.

MR. KANE: We used to have that when I was a kid we had three brothers a year apart, the four of us we were little terrors but I remember my mom had the basement kitchen for the summer, we'd go down there. So basically what we're here for is an interpretation and the way I'm going to handle that right now is you have to go on the record stating that this kitchen, this home is intended to be used a single family home always, that's your intent. The gas and electric coming into the house one meter?

MRS. REYNOLDS: One.

MR. KANE: And where is the kitchen located.

MRS. REYNOLDS: My parents' kitchen is located on the first floor in the back center of their portion of the building.

MR. KANE: Between their portion of the building and the main house there's easy free access?

MRS. REYNOLDS: Yeah, there's a hallway right there

between her house and ours and then upstairs it's also connected as well.

MR. KANE: Between her part of the house and your part of the house, you've always got to use the correct terminology.

MRS. REYNOLDS: Yes.

MR. KANE: If you're telling me it's her house and your house, it's two houses.

MR. REYNOLDS: There's no barbed wire there yet, it's all okay.

MR. KANE: How old?

MRS. REYNOLDS: Oldest is 15 and youngest twins are 9.

MR. REYNOLDS: That's why.

MR. KANE: So on the record you're stating for us clearly and that it is the intent is that it's a single family home?

MR. REYNOLDS: Yes.

MR. KANE: One meter will always be there and if you ever list it to sell it it will be listed and sold as a single-family home?

MRS. REYNOLDS: Yes, absolutely, we don't plan on selling it though.

MR. KANE: Not yet.

MRS. REYNOLDS: We plan on staying there forever.

MR. KANE: I'm willing to open it up for the public. Neil, do you have anything you want to say?



MR. SCHLESINGER: I'm not going to let you off so easy. My name is Neil Schlesinger, I live at 420 Station Road and my residence is one of the 6 lot subdivision of which the subject property is part of. When I had my engineer, Mr. Gregory Shaw, give me a concept of how we were going to approach the subdivision we had two alternatives, one was 13 lots, one was 6 lots. Putting the money issue on the side, I wanted to have 6 lots cause I didn't want to have 13 families living around me and I didn't want to have 26 cars and everything else that goes along with it. Following that, we instituted some deed restrictions, one of which was that we would only allow one family homes. In my opinion as the developer of the property and the subdivision, not the developer of the property but of the subdivision the request for a second kitchen with another family, in-laws or whatever it is is a request for another family and regardless of who they are it's still another family. On the otherhand, to be a little bit more objective and viewing it from a different interpretation if I was them I'd probably be making the same request in front of the board as well. Five children, God bless you, in-laws, and as I said, I'd be making the same request. My concern primarily is probably for something that may happen down the road and I believe the chairman has already addressed the fact that in the event that the house is ever sold or transferred that it can only be sold or transferred as a one family home and that if it's possible and if it's reasonable I'd like to make a request or a suggestion that in the event that your in-laws, your parents or your in-laws whatever it is move, go to Florida or whatever it may be, maybe we can request that the kitchen be taken out. The other thing is that if we could make some of these requests that it be in writing and that all of the members that are participating in the deed restrictions have copies of this and as I said I want to make it a point that I believe that there's probably an area in this interpreting what constitutes

one family as you brought up whether it's one meter or two meters but sometimes people think differently down the road and I want to try to prevent that.

MR. KANE: That's why we try to cover every base with the meters with having them here and saying under oath that this is exactly what's going on so if anything changes down the line his department can get involved and we can go after them.

MR. SCHLESINGER: From the deed restriction point of view, correct me if I'm wrong, maybe Andy you can as well it pretty much makes the other five homes in the area policemen, in other words, if nobody brings up the fact that, you know, the siding on the house is not allowed in the deed restriction then it lives and continues and the thing is I think it's just fair that all of us that we all have an understanding of what was discussed and perhaps in writing so that we all know what went on so they that in 5, 10 15, 20, 30 years when your mother moves, your parents move to Florida, whatever it may be we can address the situation then and that's the only thing I wanted to say.

MR. KRIEGER: If I may, couple things, first of all, this eventually will be memorialized in a written decision, I think that's the writing that you're looking for unlike the practice in the planning board the practice here is for the board to issue a written after the vote today whatever it is to issue a written decision and that would encompass all of these items that we mentioned and I will be happy to see to it that you're provided with the necessary copies.

MR. KANE: In addition when we make the request I'm going to ask them to state those things as part of you know granting this interpretation.

MR. KRIEGER: The other thing that I want to point out is with respect to the deed restrictions this board has

no power to nor does it affect those deed restrictions at all. So in the event, for instance, that one of the other beneficiaries of the restrictions decides to enforce them in a court action you can't, the action of this board becomes legally irrelevant to that finding, it's not binding on the whatever judge decides, it stands on its own, it's as if this didn't take place one way or the other. This simply gets in the event that the application is granted it simply, simply has to do with the Town regulations of the Town of New Windsor requirement that it is a one family, doesn't have anything to do with the deed restriction one way or the other they still exist.

MR. SCHLESINGER: The reason I brought that up and I'm not a lawyer but that if this board does approve their request does that by the members of the people who are participating in the deed restrictions then automatically does that signal that that has been approved as a single family house? From another perspective, if the members of the community get together and we review what happened tonight and it was accepted but yet the other members don't want your decision to constitute it as a one-family house, does that automatically make it a one-family house?

MR. KRIEGER: No. Let me put it in another way. Assuming for argument's sake that there are such deed restrictions as you've indicated, these particular applicants are under two separate requirements, if you will, one is the Town requirement according to the Town Law that only one-family houses are permitted in that zone, the other is the deed restrictions, they are two separate transactions. In the event that a variance were granted or an interpretation such as the one that's sought is granted by this board that takes care of the Town obligation, it does not take care of, doesn't affect one way or the other the deed restriction. They have their own rules and regulations and accumulated laws as to when they can be enforced

and how they can be enforced and so forth. The interpretation of this board if, well, let me put it this way, if an application were brought, a suit were brought in court which is the way you enforce deed restrictions, the action of this board would be legally irrelevant, it wouldn't count plus or minus, wouldn't matter because this only takes care of the Town Law leg, if you will, doesn't have any affect on the other leg, it still exists. So yes, if the other applicants were to get together and they were to decide that they wanted to fund an action to enforce it and they did the necessary checking to make sure it was enforceable I'm trying not, not to get into the standards for enforcement of a deed restriction cause it's not, it's a legal question, therefore, it's not cut and dry, they would be free to do that. And the finding of this board would not be binding on them or binding on any board, it would be irrelevant, wouldn't be a plus or minus. Does that answer the question?

MR. SCHLESINGER: I understand what you're saying.

MR. KANE: What you're going to see nowadays is that this is immediate family and with immediate family--

MR. SCHLESINGER: I presented that and I said if I were in their shoes, I would want to do the same thing too but as I said before, they sell the house five years down the road, another family moves in and says oh, we have a kitchen, we can build a wall and not say anything to anybody and rent it then it's not what I wanted.

MR. KANE: No but at that point what would happen you can get in touch with the building inspector.

MR. SCHLESINGER: That's why I made the request that if it was reasonable that the kitchen be taken out when they don't need the hardship.

MR. TEDALDI: Who's going to reimburse me for the kitchen?

MR. SCHLESINGER: I'm not buying the house.

MR. KRIEGER: Actually you're protected whether they do or not because they have declared that it is a one-family house, not a separate rental unit. In the future, in the event that this owner or some owner were to try to rent a portion of that the remedy for that is, a complaint is made to the building department says hey, they've got an illegal--

MR. SCHLESINGER: I'm trying to avoid that.

MR. KANE: The reason we have them come in for the second kitchens is to avoid all of the illegal two family situations.

MR. SCHLESINGER: I understand and by just making the request I don't know how reasonable it is that the kitchen be taken out, voids it even more, that's just my opinion.

MR. KANE: To be perfectly honest, that's not something I would want to put in there but I do want, you know, their intent is to keep it as a single family home, their intent if they move to sell it as a single family home, all of that will be in writing.

MR. SCHLESINGER: Fine, great.

MR. KANE: And you'll have a copy of all that.

MRS. REYNOLDS: I think I understand and I agree with what you're saying because you want to make sure that there's not a lot of people flowing in and out.

MR. SCHLESINGER: I'm not concerned about you, I'm concerned about somebody else maybe down the line and

their intent may not be as honorable as yours.

MR. KANE: The variance goes with the property, not with the people.

MRS. REYNOLDS: We have no intention of selling this house after what we've gone through but what you're saying is that this house will be single-family house and always will be and that will be with the deed and it will follow in perpetuity.

MR. KANE: Exactly, that's what we can do.

MR. SCHLESINGER: We want to cross our Ts and dot our Is.

MR. KANE: That's what we're going to do with whoever makes the motion is going to cover all of those bases, so it's all right in there. I'm going to ask you again and you will agree to it then they will vote and we'll see what happens after they have voted.

MR. SCHLESINGER: Thank you.

MR. REISS: If I may add to that?

MR. KANE: We'll close the public portion of the meeting and I'll bring it back to the board.  
Questions?

MR. REIS: Yes, just want to make a comment in regard to everybody's concerns, everybody meaning you, everybody has an idea and an understanding of what is trying to be accomplished the gentleman who brought about the deed and restrictions and folks that want to build and take care of the family, and as Neil mentioned things change through no fault of anybody, things change, policing this is going to be up to you, all right, we don't do that.

MR. SCHLESINGER: I said that, yes.

MR. REIS: They have a big house that they need to get supported and they rent it, we don't police that and we won't know about that so Neil, you're going to have to bring it to everybody's attention.

MR. SCHLESINGER: I understand.

MR. REIS: Is that fair?

MRS. REYNOLDS: Yes.

MR. REIS: Thank you.

MR. KANE: It's in the formal decision everything is in there so do we have a motion?

MR. REIS: Accept a motion?

MR. KANE: Sure will.

MR. REIS: Make a motion that we grant Quality Homes the interpretation to create a single-family home with two kitchens that will only be a single-family home. I don't know if you need anymore verbiage?

MR. KANE: That there will be one meter for gas and for public services coming into the home.

MR. BABCOCK: One heating system.

MR. KANE: And that the home will only be listed if sold listed as a single-family home.

MR. RIVERA: Second it.

ROLL CALL

MS. GANN

AYE

MR. REIS	AYE
MR. RIVERA	AYE
MR. KANE	AYE

MR. BABCOCK: We need you to be here on record, we don't want you to sell it as a two family because it's a one family zone.

MR. KRIEGER: It's what Neil mentioned before, it's a way of ascribing a court proceeding because if this board didn't take this action now then merely you're in a gray area with the two kitchens and it could well enforce the building inspector to bring, if a complaint were made to him and he'd have to bring it to court then you have to go to try plead your case in justice court in front of the Town Justice and that's--

MR. TEDALDI: Can I add something too? I live right there, I built my custom dream house there, I'm born and raised in Blooming Grove 34 years, just moved there, I want to stay there, so I have as much an interest as Neil or more, okay, I want to raise my kids and have my grandkids there, that it looks nice, I personally sold them the house, I, you know, I can't discriminate, we got lucky, I'm there for the long term so--

MR. KANE: Thank you.



PRELIMINARY MEETINGS:

QUALITY HOMES (05-07)

MR. KANE: Request for interpretation and/or variance for proposed single-family dwelling with two kitchens at 10 Wyllys Court.

Mr. Rick Tedaldi appeared before the board for this proposal.

MR. KANE: Just so you know, the Town of New Windsor, unlike some towns holds two meetings, one is a preliminary meeting where you tell us what you want to do, we look at the information and tell you what we need from you to make the appropriate decision on a case. And then by law everything is held in a public hearing, some towns you walk in cold and if you don't have the right stuff, you lose and you can't appeal for another six months. So we decided to have this step so that we make sure we get all the information. So tell us what you want to do. Speak loud enough for the young lady over there. Your name and address, please?

MR. TEDALDI: I'm Rick Tedaldi, 15 Wyllys Court, Rock Tavern. I'm also the builder for the customers. I'm here representing, I guess it's for the Reynolds, there's a great many of them, the five kids and the parents want to stay with them as well. My issue is--

MR. KANE: Is the homeowner here too? Whoever wants to answer questions please come up. State your full name.

MR. REYNOLDS: Edward F. Reynolds, R-E-Y-N-O-L-D-S.

MR. CULLEN: Unfortunately, I'm his father-in-law, John Cullen.

MR. KANE: You want to build a home?

MR. TEDALDI: Right, it's a very sizable home, it's about 5,000 square feet to accommodate them and the five kids and the parents.

MR. CULLEN: And the dog.

MR. KANE: Basically, the way that New Windsor looks at it the building department Mike can correct me if I'm wrong with the two kitchens we'd like to get it on record that this particular home or any home with a two kitchen situation will not ever use it for a two family in an area where it's not zoned for two family. So that's why you're here is to make sure that we get it on record that this is the intent. One of the main things when you're building this do you intend to put in one meter electric meter, gas meter for the house?

MR. TEDALDI: Correct.

MR. KANE: Going from that, let's say that the, like a bedroom you're going to have a bedroom, bath, kitchen or is it just a second kitchen, describe how you're building the house.

MR. TEDALDI: Their side of the house is somewhat substantial, the downstairs of their side has a like a living room, bedroom, kitchen hopefully and a little kitchenette kind of, I'm sorry, dining room next to it.

MR. KANE: You have equal access from upstairs to downstairs? No closed doors, no separate entrances, it's really a one-family house?

MR. TEDALDI: Right, whatever the semantics require hopefully that I'm able to put in a second kitchen so hopefully otherwise they'll be stuck on top of each other. I'm sure you've had the scenario before.

MR. REIS: House is under construction now?

MR. TEDALDI: Framing is almost complete.

MR. REIS: Our concern again is it's not going to be utilized as a two family so easy access, there's no locked doors between the residences?

MR. CULLEN: Except when my grandchildren try to come in. That's off the record.

MS. GANN: No questions.

MR. KANE: What we'll do then is have the board set you up for a public hearing which basically we're going to do the same thing we just did and you're going to state for the record what your intentions are. We're doing this this way then we'll have our vote. Then if it gets approved here you'll be subject to whatever Michael needs you to make sure that it's built in the fashion that it needs to be built. Can I have a motion?

MS. GANN: I'll offer a motion, Mr. Chairman, to grant the public hearing for Quality Homes the request for interpretation for the proposed single family dwelling with two kitchens in an R-1 zone at 10 Wyllys Court.

MR. CULLEN: I think it's number 2.

MR. TEDALDI: I'll try to get you the exact number.

MR. REYNOLDS: Everyone here pronounces it the way that it reads but it's actually Wyllys, they named it after his dog, Wyllys, from what I heard.

MR. REIS: It's 2 Wyllys Court.

MR. BABCOCK: We have the address all at 10, how come?

MR. TEDALDI: Unless there's a mixup with the address.

January 24, 2005

6

MRS. REYNOLDS: It's lot number 2.

MR. REYNOLDS: Mailing address is different than lot.

MR. KANE: That changes everything. Whatever he has, I'm sure it's right.

MR. REIS: Second it.

ROLL CALL

MR. REIS            AYE

MS. GANN           AYE

MR. KANE           AYE

MR. KANE: You're all set. Do you have the sheets to give them?

MS. GALLAGHER: Yes.

MR. KANE: We're going to do an interpretation, you really don't need to do anything but come back since the--do you own the property?

MR. REYNOLDS: I do not currently, no.

MR. TEDALDI: I'm the owner right now.

MR. KANE: So we don't need any kind of--

MR. KRIEGER: Yeah, no.

MR. KANE: Okay, we'll see you, just follow the directions basically on this, there's not much you really have to do for the public hearing, getting the list and get the mailings out.

MR. TEDALDI: Within 500 foot.

MR. KANE: Yes, check with the zoning office if you

January 24, 2005

7

have any questions.

MR. REYNOLDS: Do we need to bring the troops back for the planning meeting next meeting?

MR. KANE: You don't have to bring all the troops unless you don't trust them home.

MR. TEDALDI: Thank you very much.



RESULTS OF Z.B. MEETING OF:

March 14, 2005

PROJECT: Quality Homes (Reynolds)ZBA # 05-07B

P.B.# \_\_\_\_\_

USE VARIANCE:

NEED: EAF \_\_\_\_\_

PROXY \_\_\_\_\_



LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_

LOCEY \_\_\_\_\_

RIVERA \_\_\_\_\_

MCDONALD \_\_\_\_\_

REIS \_\_\_\_\_

KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_

LOCEY \_\_\_\_\_

RIVERA \_\_\_\_\_

MCDONALD \_\_\_\_\_

REIS \_\_\_\_\_

KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_

LOCEY \_\_\_\_\_

RIVERA \_\_\_\_\_

MCDONALD \_\_\_\_\_

REIS \_\_\_\_\_

KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_

LOCEY \_\_\_\_\_

RIVERA \_\_\_\_\_

MCDONALD \_\_\_\_\_

REIS \_\_\_\_\_

KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

## ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) \_\_\_\_\_ S) \_\_\_\_\_

VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_

LOCEY \_\_\_\_\_

RIVERA \_\_\_\_\_

MCDONALD \_\_\_\_\_

REIS \_\_\_\_\_

KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES ☒

VARIANCE APPROVED:

M) RS S) RV VOTE: A 4 N 1.

GANN \_\_\_\_\_

~~LOCEY~~ ARIVERA A~~MCDONALD~~ AREIS AKANE ACARRIED: Y ☒ N \_\_\_\_\_Intent to always be a single-family home.

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

# QUALITY HOMES OF BRIGADOON, INC.

# AFFIDAVIT OF SERVICE BY MAIL

**#05-07B**

# X

STATE OF NEW YORK )  
 ) SS:  
COUNTY OF ORANGE )

**MYRA L. MASON, being duly sworn, deposes and says:**


That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 18TH day of **FEBRUARY, 2005**, I compared the 7 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason  
Myra L. Mason, Secretary

14<sup>th</sup> day of March, 2005

  
Notary Public

**JENNIFER MEAD**  
**Notary Public, State Of New York**  
**No. 01ME6050024**  
**Qualified in Orange County**  
**Commission Expires 10/30/ 2006**

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

**Appeal No. 05-07B**

**Request of QUALITY HOMES OF BRIGADOON, INC.**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for Interpretation and/or variance for proposed single-family dwelling with two kitchens (300-8 bulk tables) in an R-1 Zone at 10 Wyllys Court (Lot #3) (57-1-2.3)**

**PUBLIC HEARING will take place on MARCH 14, 2005 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.**

  
\_\_\_\_\_  
**Michael Kane, Chairman**





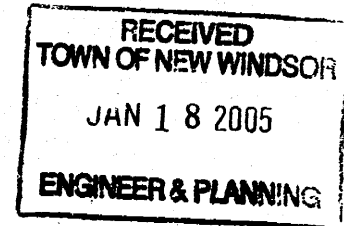
# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessors Office

January 14, 2005

Quality Homes  
P.O. Box 150  
Washingtonville, NY 10992



Re: 57-1-2.3      ZBA#05-07    (7)

To Whom It May Concern:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$25.00, paid in full by your deposit of \$25.00.

Sincerely,

*J. Todd Wiley (baw)*

J. Todd Wiley, IAO  
Sole Assessor

JTW/baw  
Attachments

CC: Myra Mason, Zoning Board

57-1-2.1; 57-1-2.6; 57-1-2.7  
Neil & Glynn Schlessinger  
420 Station Road  
Rock Tavern, NY 12575

57-1-2.2  
Quality Homes by R. Tedaldi Inc.  
P.O. Box 150  
Washingtonville, NY 10992

57-1-2.4  
Paul & Elizabeth Simiitis  
6 Amy Lane  
New Windsor, NY 12553

57-1-2.5  
Rick Tedaldi  
One South Street  
Washingtonville, NY 10992

57-1-96.11  
Paul & Joann E. Babcock  
11 Babcock Lane  
Rock Tavern, NY 12575

57-1-96.221  
Kenneth Babcock  
17 Babcock Lane  
Rock Tavern, NY 12575

57-1-125.2  
Robert & Catherine Babcock  
22 Tall Oaks View  
Rock Tavern, NY 12575

**PUBLIC HEARING NOTICE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-07B  
Request of QUALITY HOMES OF BRIGADOON, INC.

for a VARIANCE of the Zoning Local Law to Permit Request for Interpretation and/or variance for proposed single-family dwelling with two kitchens (300-8 bulk tables) in an R-1 Zone at 10 Wyllys Court (Lot #3) (57-1-2.3)

PUBLIC HEARING will take place on MARCH 14, 2005 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

MICHAEL KANE, CHAIRMAN

**Ad Number: 1733855 Advertiser: NEW WINDSOR, TOWN**

Phone: 8455634615 Sys No: 1194114 Caller: MYRA MASON

**INVOICING CUSTOMER:**

Phone: 8455634615 Sys No: 1194114 AcctNo: P.O. No:

Name: NEW WINDSOR, TOWN Subscriber:

Address: ZONING AND PLANNING

555 UNION AVENUE

NEW WINDSOR NY 12553

**ORDER:**

Printed By: THRFODRHL Date: 02/21/2005 Assigned Sales: PUBLICHEARINGNOTICE ZONINGBOARDOFAPPEAL AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

**NOTES:**

Change Reason:

**INSERTION:**

Product: THI Paper: IN Class: 999X

Schedule: Start Date - 02/22/2005 End Date - 02/22/2005

Sort: PUBLIC HEARING NOTKEZONING BOARD OF APP

**PRODUCTION:**

Text Size: 2 x 24.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

Tearsheets: 1 Proofs: 0 Affidavits: 1 Alt Addr: N

**PRICING:**

Price: 43.28 Payment Method: B1 Amount Paid: 0 Amount Owed: 43.28

PriceMethod: 0 (0=Normal, 1=User Net, 2=System Gross) Rate Code: LE1

For fields listed below 0 = NO 1 = YES

Till Forbid: 0 Mult. Content: 0

05-07B

# TIMES HERALD-RECORD

40 Mulberry Street, Middletown, NY 10940

State of New York:

County of Orange: ss:

**Patricia Foddrill**

Being duly sworn deposes and says that the ORANGE COUNTY PUBLICATIONS Division of Ottaway Newspapers-Radio, Inc. is a corporation organized under the laws of the State of New York and is, at all the times hereinafter mentioned, was the printer and publisher of The Times Herald-Record, a daily newspaper distributed in the Orange, Ulster, Rockland, Dutchess, Pike, PA, Delaware and Sullivan Counties, published in the English language in the City of Middletown, County of Orange, State of New York, that despondent is the

## **Legal Sales Representative**

of said The Times Herald-Record acquainted with the facts hereinafter stated, and duly authorized by said Corporation to make this affidavit; that the

## **Legal Notice**

a true printed copy of which is hereunto annexed, has been duly and regularly published in the manner required by law in said The Times Herald-Record in each of its issues published upon each of the following dates, to wit: In its issues of

2/22/05

Signature of Representative:

Sworn in before me this

22

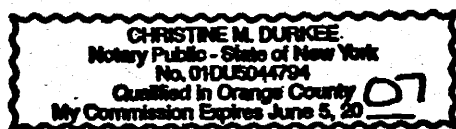
Day of

Feb

2005

Christine M. Durkee

Notary Public, Orange County



**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**

**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 01-12-05

FOR: **ESCROW #05-07**

FROM:

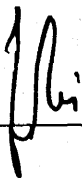
**QUALITY HOMES**  
**P.O. BOX 150**  
**WASHINGTONVILLE, NY 10992**

CHECK NUMBER: **1106**

TELEPHONE: **534-5500**

AMOUNT: **300.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME  DATE 1/12/05

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#52-2005**

01/12/2005

Quality Homes Builders

Received \$ 50.00 for Planning Board Fees, on 01/12/2005. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk

*PB 05-07 application*



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

February 18, 2005

Quality Homes  
P.O. Box 150  
Washingtonville, NY 10992

SUBJECT: REQUEST FOR VARIANCE #05-07B

Dear Sir:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Times Herald Record Newspaper for publication. **PLEASE NOTE: The charge for publication in the Times Herald Record will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

10 Wylly's Court (Lot #3)  
New Windsor, NY

is scheduled for the March 14<sup>th</sup>, 2005 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm







# **Town of New Windsor**

**555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695**

## **ZONING BOARD OF APPEALS**

January 12, 2005

Quality Homes  
P.O. Box 150  
Washingtonville, NY 10992

**SUBJECT: REQUEST FOR VARIANCE #05-07**

Dear Mr. Tedaldi:

This letter is to inform you that you have been placed on the January 24<sup>th</sup>, 2005 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

10 Wylly's Court (Lot #3)  
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm

# TOWN OF NEW WINDSOR

## REQUEST FOR NOTIFICATION LIST

PROJECT NUMBER: ZBA# 05-07 P.B. #

**PERSON TO NOTIFY TO PICK UP LIST:**

**P.O. BOX 150**

**WASHINGTONVILLE, NY 10992**

**TELEPHONE: 496-6357**

TAX MAP NUMBER: SEC. 57 BLOCK 1 LOT 23  
SEC.      BLOCK      LOT       
SEC.      B LOCK      LOT     

**PROPERTY LOCATION: 10 WYLLYS COURT (LOT #3)  
NEW WINDSOR, NY**

**THIS LIST IS BEING REQUESTED BY:**

**NEW WINDSOR PLANNING BOARD:** \_\_\_\_\_

**SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET**

**SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET)**

**AGRICULTURAL DISTRICT:**

(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT)

NEW WINDSOR ZONING BOARD XXX

**LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX**

[illegible]

AMOUNT OF DEPOSIT: **25.00** CHECK NUMBER: **1108**

**TOTAL CHARGES:** \_\_\_\_\_



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NY 12553  
(845) 563-4615 (MYRA MASON)



## ZONING BOARD PROCEDURES

**PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO  
IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.**

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

**RESIDENTIAL: (Three Separate Checks Please)**

APPLICATION FEE:

\$ 50.00 ✓

\*ESCROW:

\$300.00 ✓

**\*\*DEPOSIT FOR PUBLIC HEARING LIST:**

\$ 25.00 ✓

**MULTI-FAMILY: (Three Separate Checks Please)**

APPLICATION FEE:

\$150.00

\*ESCROW:

\$500.00

**\*\*DEPOSIT FOR PUBLIC HEARING LIST:**

\$ 25.00

**COMMERCIAL: (Three Separate Checks Please)**

APPLICATION FEE:

\$150.00

\*ESCROW:

\$500.00

**\*\*DEPOSIT FOR PUBLIC HEARING LIST:**

\$ 25.00

**INTERPRETATION: (Three Separate Checks Please)**

APPLICATION FEE:

\$150.00

\*ESCROW:

\$500.00

**\*\*DEPOSIT FOR PUBLIC HEARING LIST:**

\$ 25.00

**YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".**

\*

**ESCROW**

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

LIST OF PROPERTY OWNERS  
WITHIN 500 FT. RADIUS OF  
PROPERTY IN QUESTION:

APPROXIMATE COST FOR  
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES  
IS \$1.00 EA. ADDITIONAL  
NAME

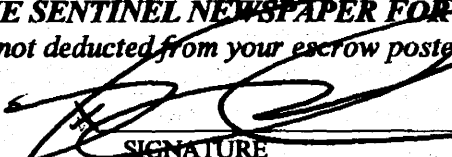
1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

**NOTE:**

**IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.**

**\*\* MUST READ AND SIGN \*\***

**I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING.... (this charge is not deducted from your escrow posted)**

  
SIGNATURE

11/22/04  
DATE

**NOTE:**

THE ZBA MEETS ON THE 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.

PAGE 2

COMPLETE THIS PAGE ☐



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**



**APPLICATION FOR VARIANCE**

11/22/04  
Date

Application Type: Use Variance ☒ Area Variance ☐  
Sign Variance ☐ Interpretation ☐

**I. Owner Information:**

Rick Tedaldi

Phone Number: (845) 534-5500  
Fax Number: (845) 534-5550

(Name)  
P.O. Box 150, Washingtonville, NY 10992  
(Address)

**II. Applicant:**

Quality Homes

Phone Number: (845) 534-5500  
Fax Number: (845) 534-5550

(Name)  
P.O. Box 150, Washingtonville, NY 10992  
(Address)

**III. Forwarding Address, if any, for return of escrow:**

Quality Homes

Phone Number: (845) 534-5500  
Fax Number: (845) 534-5550

(Name)  
P.O. Box 150, Washingtonville, NY 10992  
(Address)

**IV. Contractor/Engineer/Architect/Surveyor/:**

Quality Homes by R. Tedaldi

Phone Number: (845) 534-5500  
Fax Number: (845) 534-5550

(Name)  
P.O. Box 150, Washingtonville, NY 10992  
(Address)

**V. Property Information:**

Zone: R-1 Property Address in Question: 10 Wyllys Court, New Windsor

Lot Size: 2.3 Acres Tax Map Number: Section 57 Block 1 Lot 2.3

- a. What other zones lie within 500 feet? \_\_\_\_\_
- b. Is pending sale or lease subject to ZBA approval of this Application? NO
- c. When was property purchased by present owner? 12/3/03
- d. Has property been subdivided previously? \_\_\_\_\_ If so, When: \_\_\_\_\_
- e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO
- f. Is there any outside storage at the property now or is any proposed? NO

**\*\*\*\*PLEASE NOTE:\*\*\*\***

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE ☐**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VI. USE VARIANCE:**

Use Variance requested from New Windsor Zoning Local Law,

Section 57, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

Describe proposal:

Want 5,100 sq. ft. House to  
be converted to "2 family" to  
accommodate in-laws parents.

- VII. The legal standard for a "Use Variance" is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the Use Variance is granted. Also state any efforts you have made to alleviate the hardship other than this application.

Parents will have to share living  
space with grandparents including  
kitchen and bathrooms. The family  
has five children already.

**PLEASE NOTE:**

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**COMPLETE THIS PAGE ☐**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

Husband and wife of five  
kids want to have her older parents  
live with them. The variance allows  
parents to have their own space. The  
exterior of the house will look professional.  
It is not as economically feasible for them  
to live separately and the family can  
help the parents out.

**PLEASE NOTE:**

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SUBMITTAL.**

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- 
- 

**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow) ✓
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee) ✓
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit) ✓
- ☐ Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

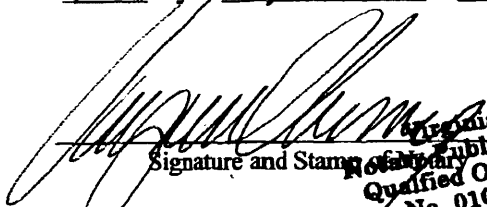
Sworn to before me this:

15 day of Nov 2004

Owner's Signature (Notarized)

Rick Tedaldi

Owner's Name (Please Print)

  
Signature and Stamp of Notary Public State of N.Y.  
Qualified Orange County  
No. 01CH6012019 8/17/06  
My Commission Expires

Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

COMPLETE THIS PAGE ☐



**APPLICANT/OWNER PROXY STATEMENT**  
(for professional representation)

for submittal to the:  
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

Rick Tedaldi, Quality Homes deposes and says that he resides  
(OWNER)  
at PO Box 150, Washingtonville, NY in the County of Orange  
(OWNER'S ADDRESS)  
and State of New York and that he is the owner of property tax map  
(Sec. 57 Block 1 Lot 23)  
designation number (Sec. \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_) which is the premises described in  
the foregoing application and that he authorizes:

\_\_\_\_\_  
(Applicant Name & Address, if different from owner)

\_\_\_\_\_  
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

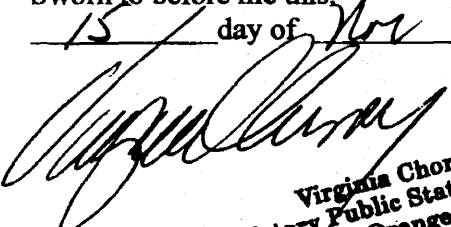
Date: 11/15/04

  
Owner's Signature (MUST BE NOTARIZED)

Sworn to before me this:  
15 day of Nov 2004

\_\_\_\_\_  
Applicant's Signature (If different than owner)

\_\_\_\_\_  
Representative's Signature

  
Signature and Stamp of Notary Public State of N.Y.  
Qualified Orange County  
No. 01CH6012019  
Commission Expires 8/12/06

**THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.**

**\*\* PLEASE NOTE:**

**ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

COMPLETE THIS PAGE ☐

PROJECT I.D. NUMBER

617.21

SEQR

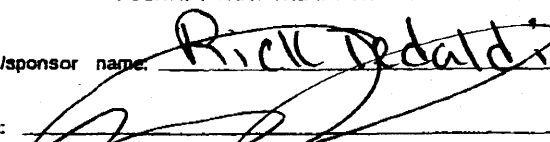
## Appendix C

## State Environmental Quality Review

## SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

## PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <b>Rick Tedaldi</b>	2. PROJECT NAME <b>Quality Homes</b>
3. PROJECT LOCATION: Municipality <b>10 Wally Court, New Windsor</b> County <b>Orange</b>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <b>See Attached map</b>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <b>Single family home to become 2 family in order to have separate kitchen and bars between both sections.</b>	
7. AMOUNT OF LAND AFFECTED: Initially <b>2.3</b> acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <b>Need variance for 2 family</b>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval <b>T/O New Windsor Building Permit</b>	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <b>Rick Tedaldi</b>	Date: <b>11/22/04</b>
Signature: 	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

- A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.  
☐ Yes ☐ No
- B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.8? If No, a negative declaration may be superseded by another involved agency.  
☐ Yes ☐ No
- C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)
- C1. Existing air quality; surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
- C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
- C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
- C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
- C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
- C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
- C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
- D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?  
☐ Yes ☐ No If Yes, explain briefly

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

\_\_\_\_\_  
Name of Lead Agency

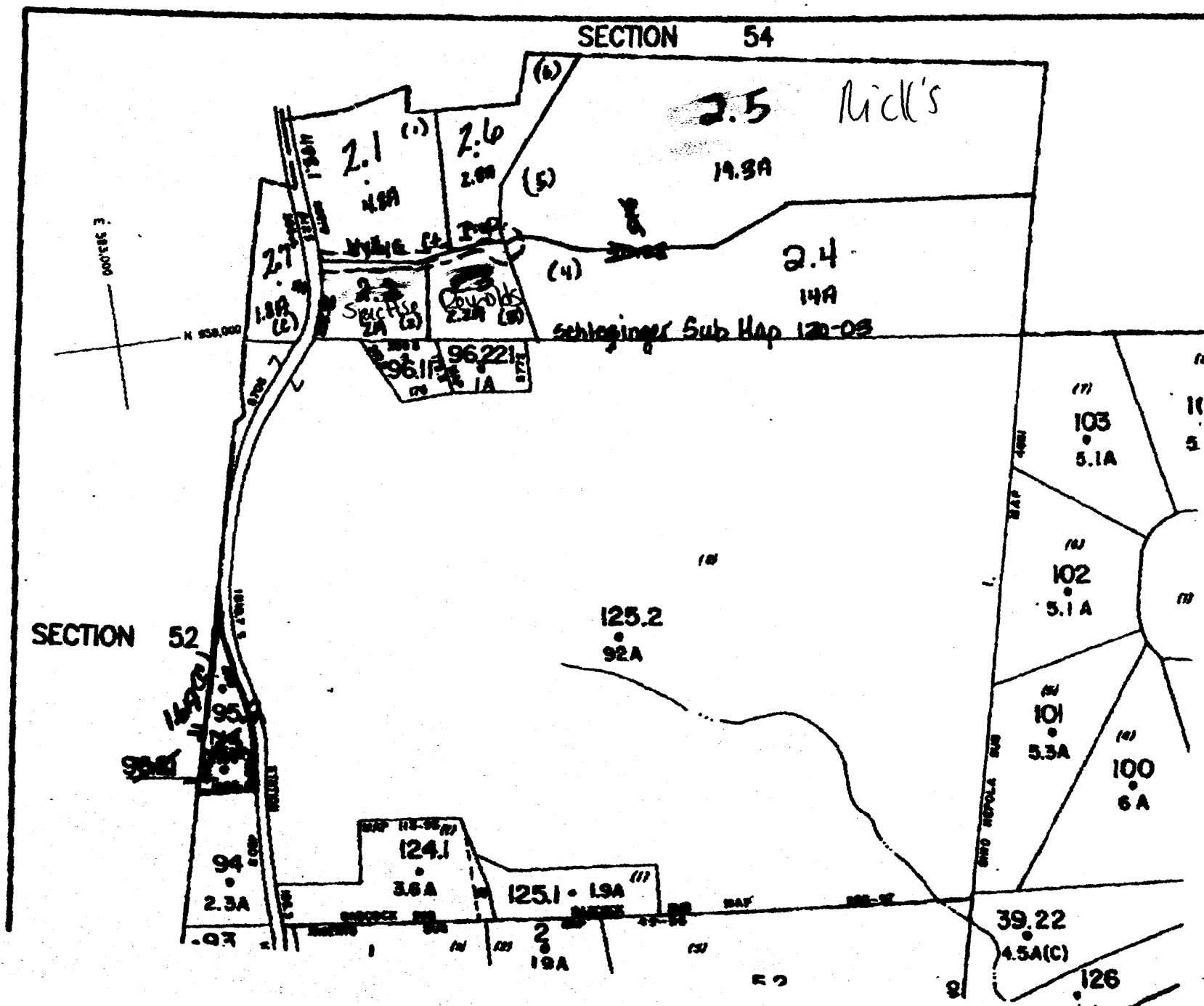
\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

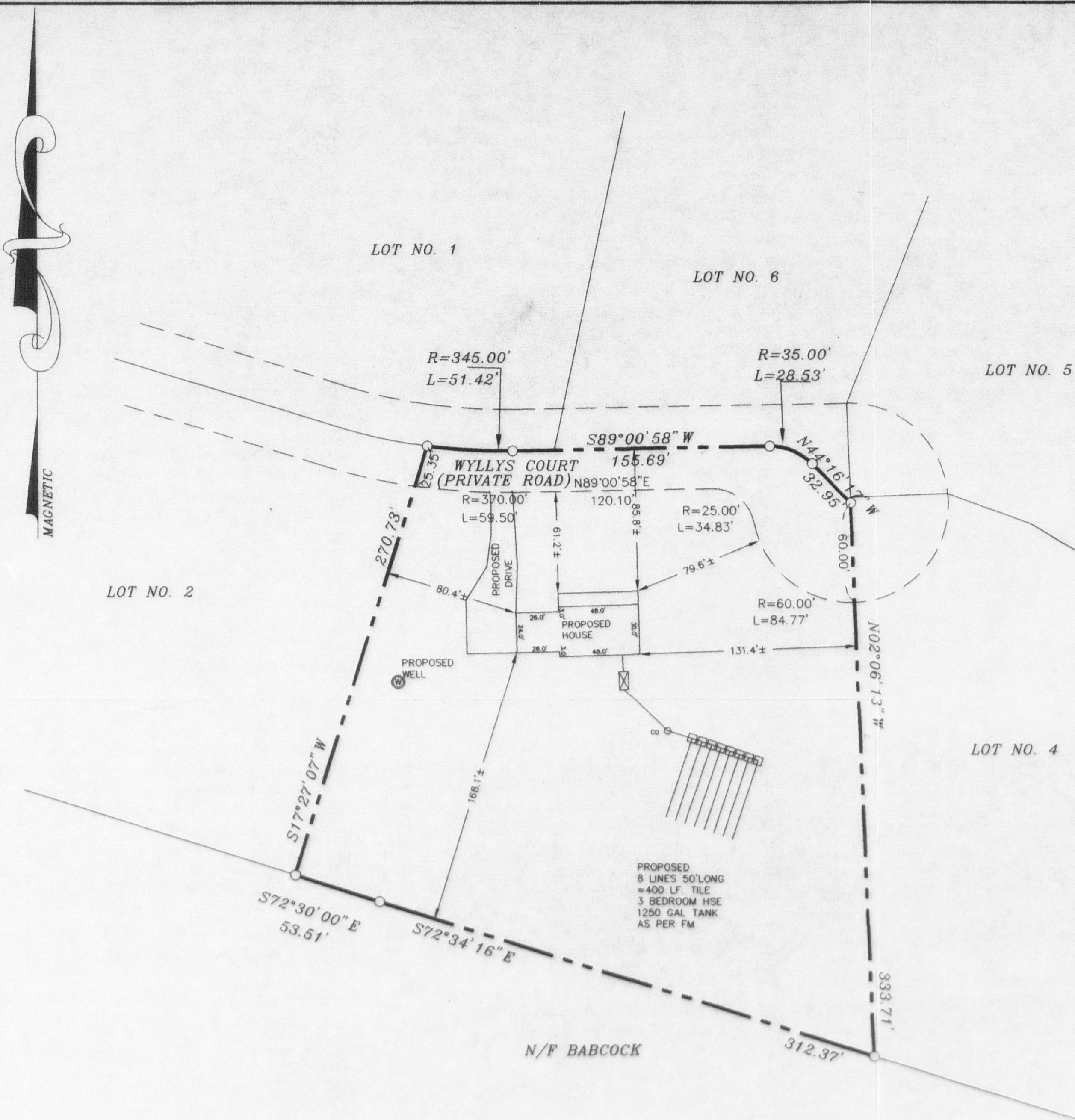
\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (If different from responsible officer)

11/22/04  
\_\_\_\_\_  
Date







### ZONING DATA

DISTRICT: R-1

MIN. LOT AREA = 80,000  
 MIN. LOT WIDTH = 175'  
 MIN. FRONT YARD = 45'  
 MIN. SIDE YARDS = 40'/80'  
 MIN. REAR YARDS = 50'

### TAX MAP NO.

NEW WINDSOR  
 SECTION: 57  
 BLOCK: 1  
 LOT: 2.3

### DEED REFERENCE

LIBER 2230 PAGE 46

### AREA

95,381± S.F.

### MAP REFERENCE

BEING LOT 3 AS SHOWN ON A MAP ENTITLED "SUBDIVISION PLAN FOR SCHLESINGER SUBDIVISION" TOWN OF NEW WINDSOR, ORANGE COUNTY NEW YORK, FILED IN THE O.C.C.O. AS MAP NUMBER 130-03 DATED 5-01-03

### NOTES:

- 1) UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2 OF THE N.Y. STATE EDUCATION LAW.
- 2) ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR HIS EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
- 3) CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREIN, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNER.
- 4) UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS, IF ANY, ARE NOT SHOWN HEREON.

CERTIFIED TRUE AND CORRECT TO:

SUBJECT TO COVENENTS, EASEMENTS, AND RESTRICTIONS OF RECORD, IF ANY

GERALD ZIMMERMAN

P.L.S. L.I.C. NO. 49410

### REVISIONS:

SHEET NO. 1 OF 1

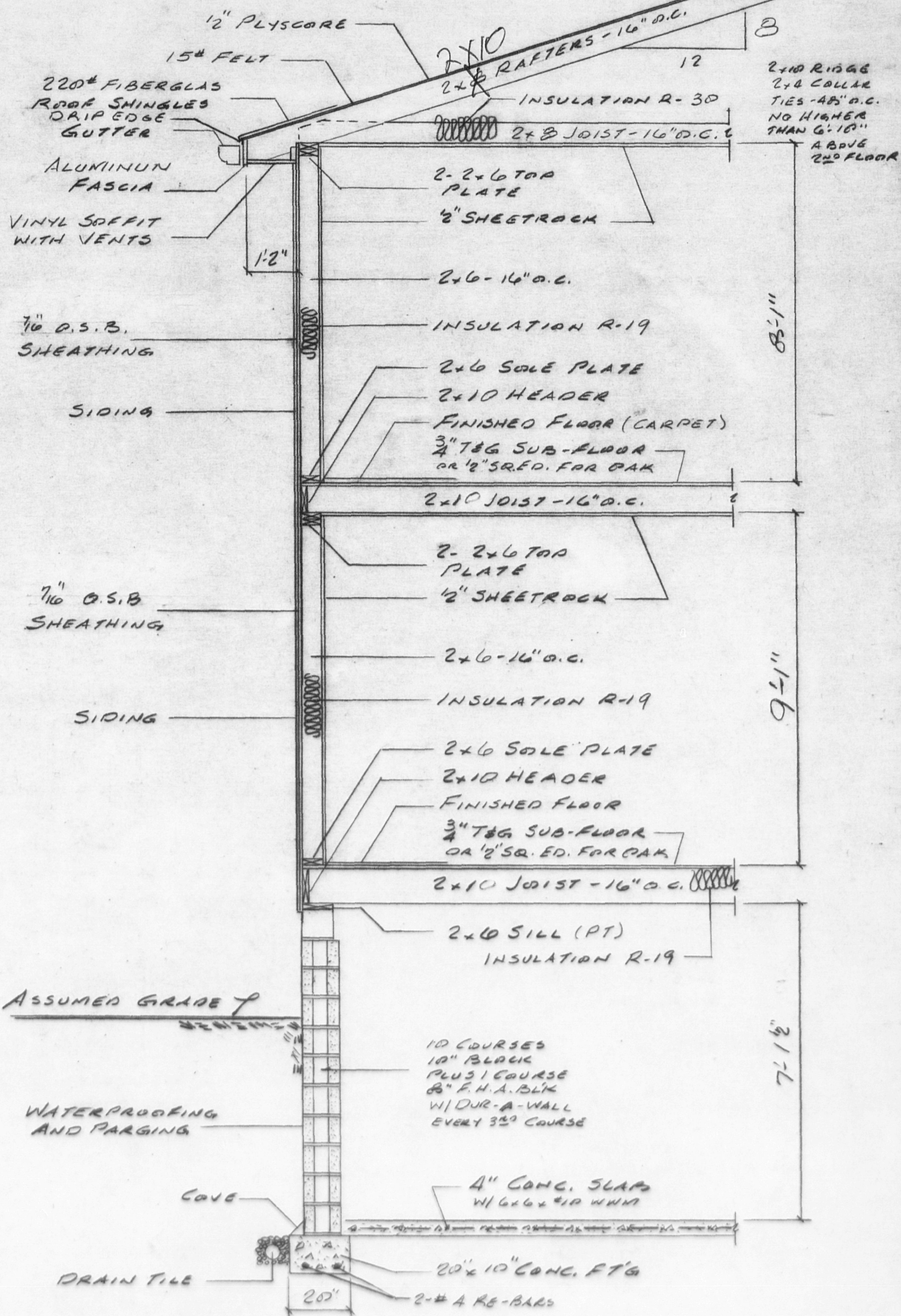
SCALE: 1" = 50'

DATE: AUGUST 12, 2003

JOB No. 23025 DRAWN BY: CC

**SURVEY & PLOT PLAN**  
 FOR  
**QUALITY HOMES**  
 TOWN OF NEW WINDSOR  
 ORANGE COUNTY, NEW YORK  
 ZIMMERMAN ENGINEERING & SURVEYING, P.C.  
 ROUTE 17M  
 HARRIMAN, NEW YORK 10926 PHONE: (914) 782-7976

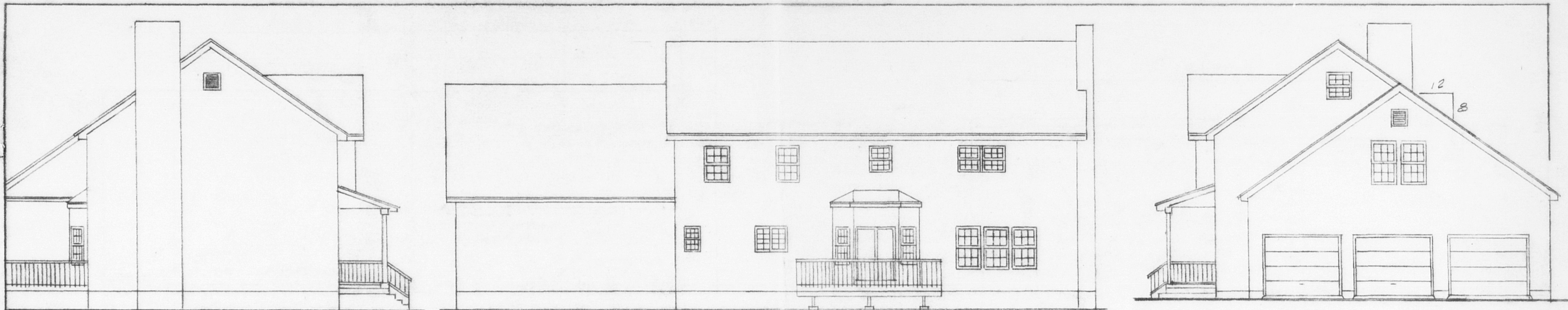




C R O S S S E C T I O N

RESIDENCE FOR



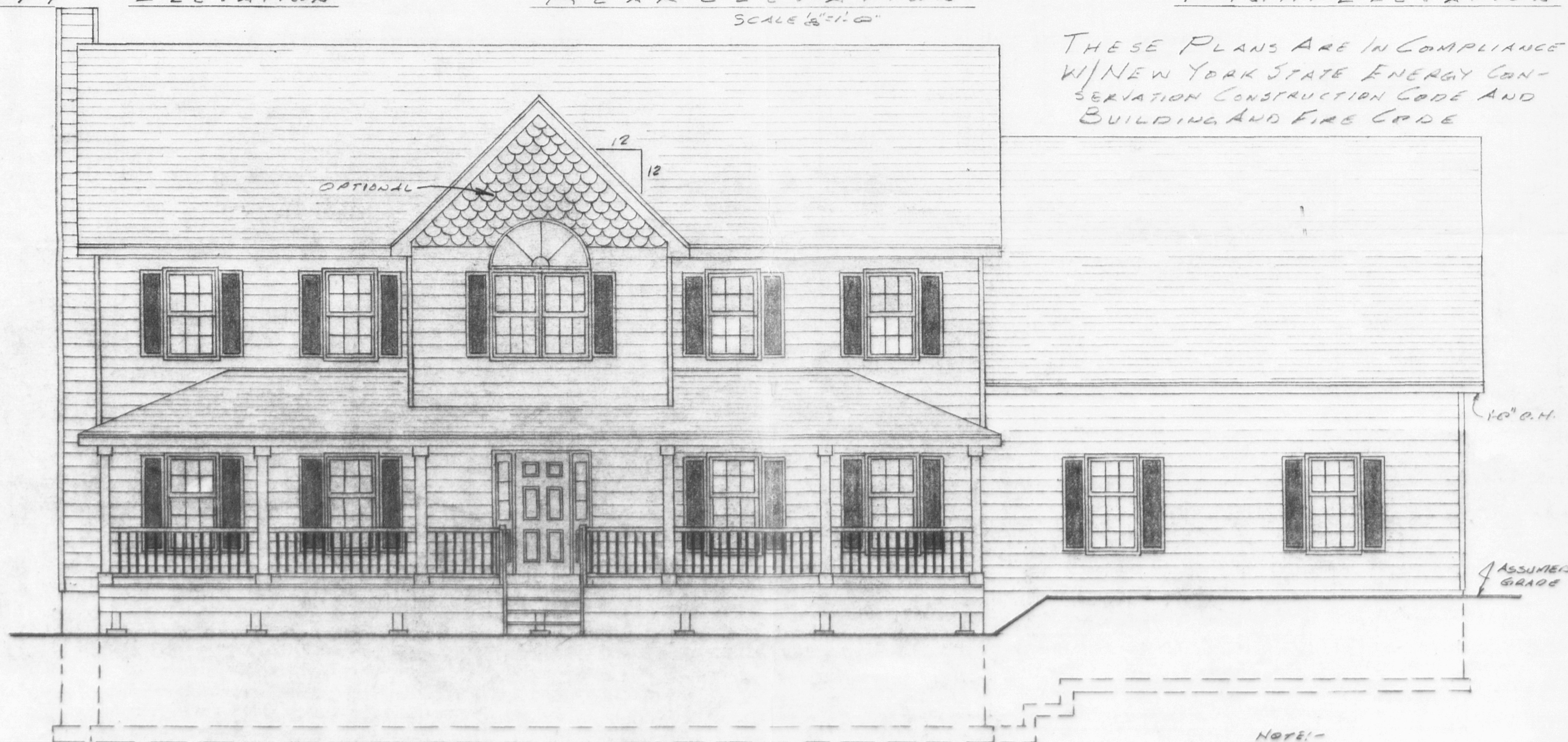


LEFT ELEVATION

REAR ELEVATION  
SCALE 1/8" = 1'-0"

RIGHT ELEVATION

THESE PLANS ARE IN COMPLIANCE  
W/ NEW YORK STATE ENERGY CON-  
SERVATION CONSTRUCTION CODE AND  
BUILDING AND FIRE CODE



FRONT ELEVATION  
SCALE 1/4" = 1'-0"

NOTE:-  
GRADES SHOWN ON THIS PLAN  
ARE ASSUMED ONLY - ACTUAL  
GRADES WILL BE DETERMINED  
IN FIELD

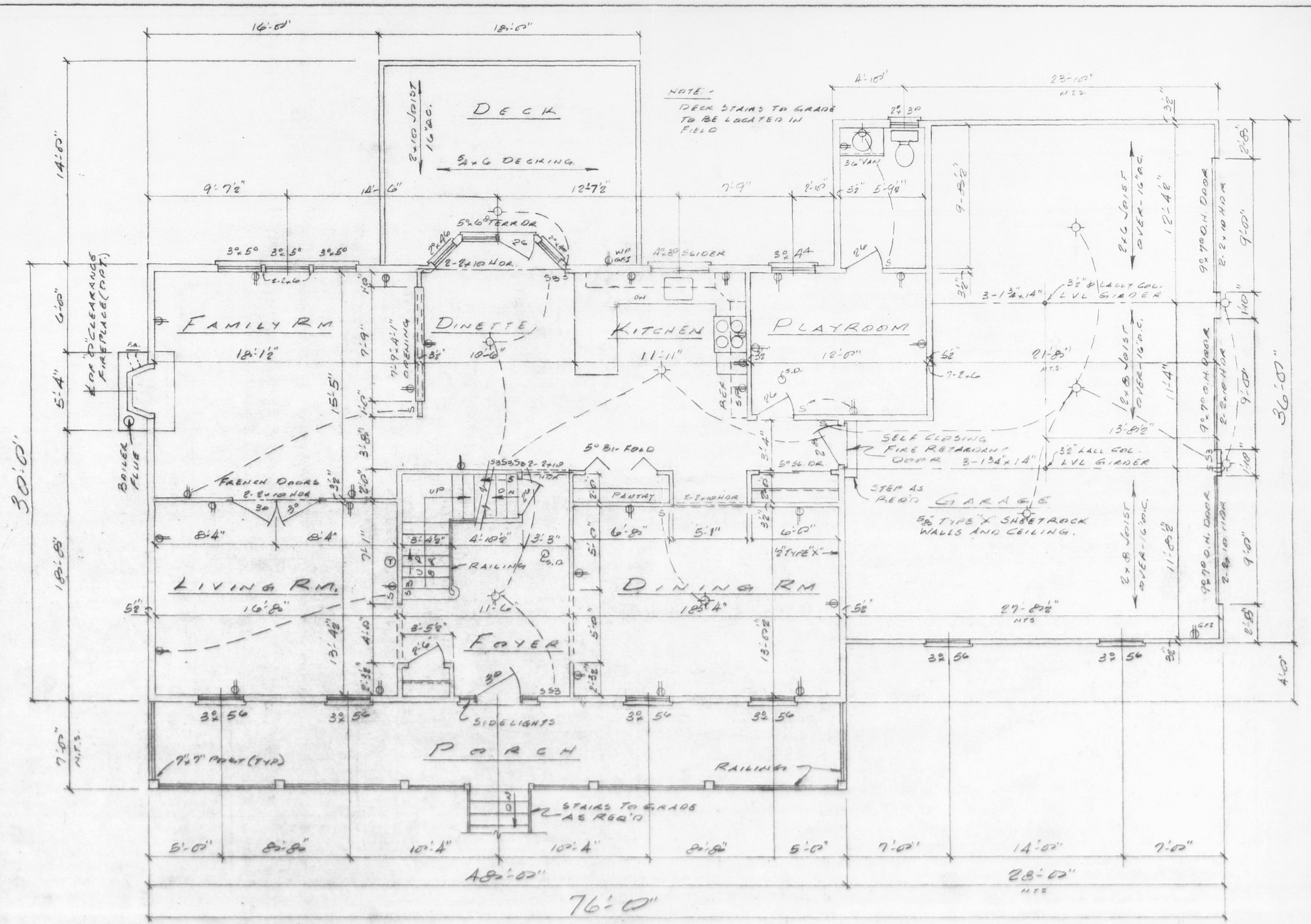
RESIDENCE FOR

BY: QUALITY HOME BUILDERS







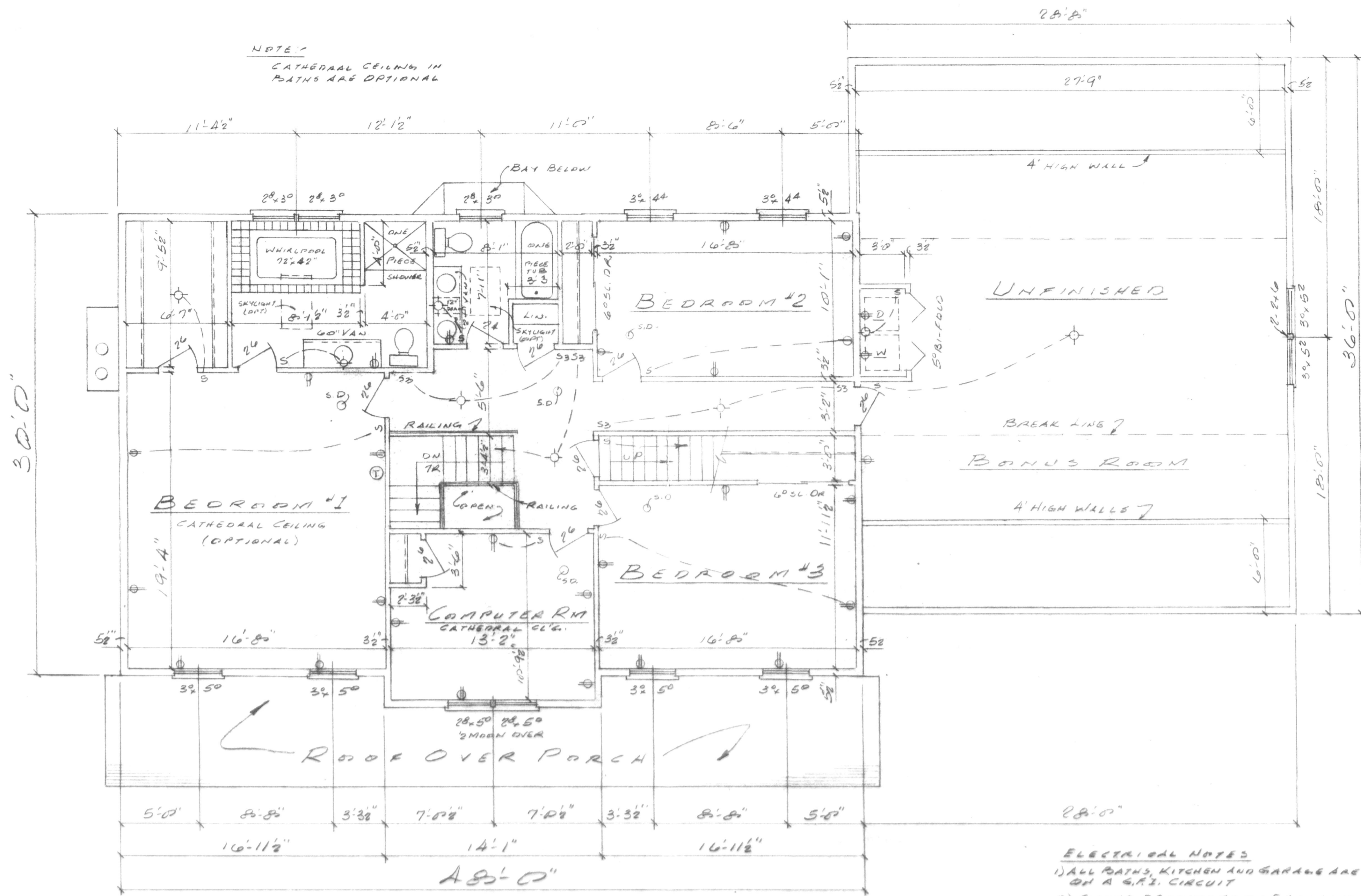


FIRST FLOOR PLAN SCALE 1/4" = 1'-0"



NOTE:

CATHEDRAL CEILING IN  
BATHS ARE OPTIONAL



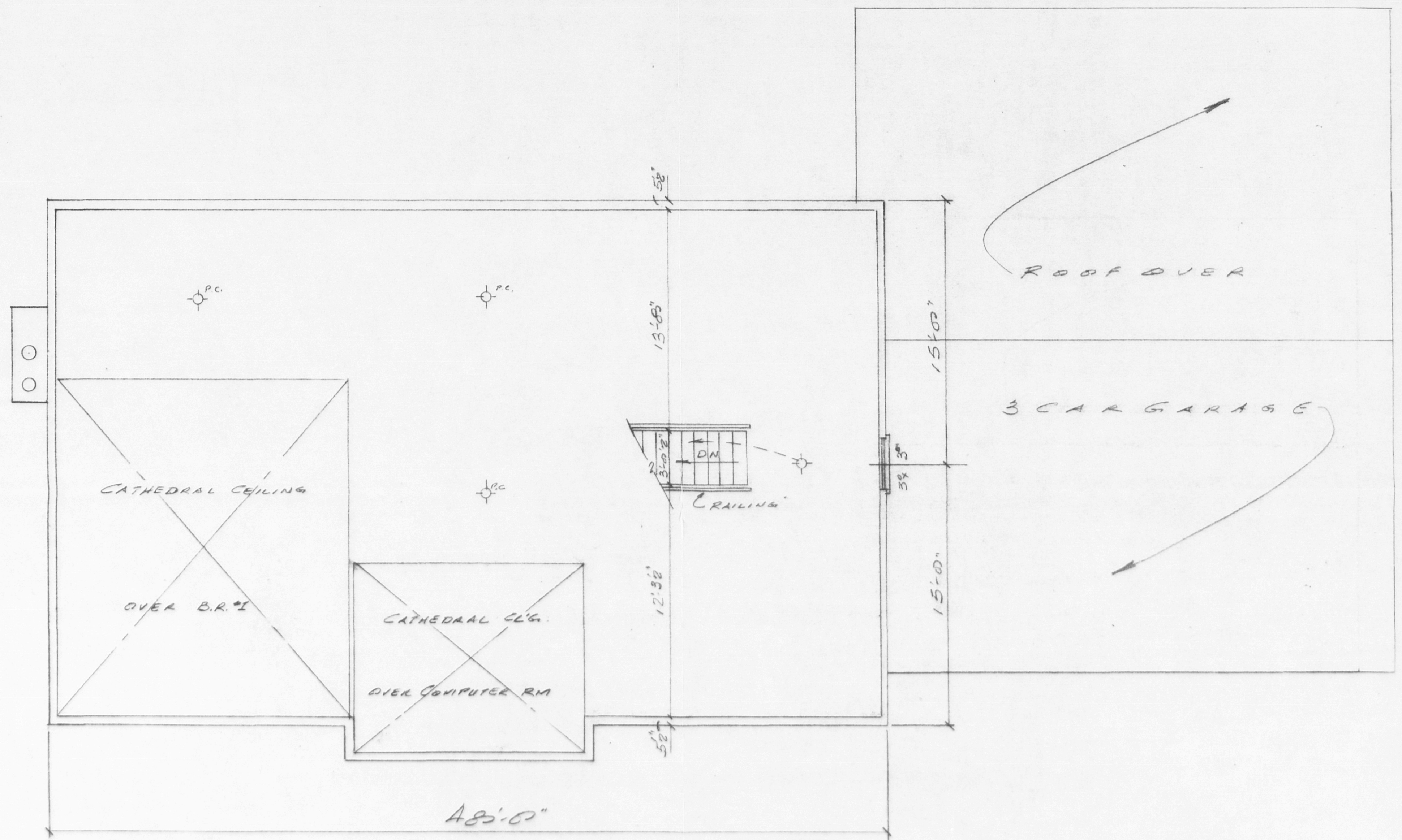
SECOND FLOOR PLAN

SCALE 1/4" = 1'-0"

RESIDENCE FOR

BY QUALITY HOME BUILDERS





A T T I C P L A N  
SCALE 1/4"=1'-0"



48x30 (donia)  
with 5th BR Down  
→ 3 car attaches  
→ bonus room  
Chappes } ~~add~~